

# Philosophy and Public Policy: An Evaluation of Utilitarianism and Public Policy

Edodi, Sampson Obok

Department of Philosophy, Faculty of Humanities, University of Port Harcourt, Choba 5323, NIGERIA

[edodi\\_sampson@yahoo.com](mailto:edodi_sampson@yahoo.com), [edodisampson@gmail.com](mailto:edodisampson@gmail.com)

## ABSTRACT

Utilitarianism is an applied theoretical framework for public policy evaluation. Jeremy Bentham and J. S. Mill provided this framework through the felicific calculus of intensity, duration, certainty, propinquity, fecundity, purity, and extent according to the tendency which the policy have to augment or diminish the happiness of those whose interests is in question. This framework basically gives a guide which, if adopted by any assembly with the powers to pass, amend, and repeal policies for the public, then public policies will serve the interest of the greater number. This work is set to demonstrate how utilitarianism can help in public policy formulation showing a seven-step policy evaluation process. The objective is to demonstrate whether utilitarianism is relevant in public policy formulation given the contemporary existential realities shrouding the world. The work conclude by arguing that, utilitarianism is intuitive and that, irrespective of criticisms, in public policy, utilitarianism is the principle that is dictating the pace all over the world directly or indirectly and that best serves the interest of the people.

**Keywords:** philosophy, public policy, utilitarianism

## INTRODUCTION

Public policy may be said to be a principled guide to action taken by the administrative or executive arms of the state with regards to a class of issues in manners consistent with law and institutional customs. Thus, some scholars have defined Policy as “whatever governments choose to do or not to do” [1]; “the relationship of governmental unit to its environment,” [2] among others. These definitions suggests that public policy is a political science activity. However, the study of public policy as *The Public Policy Theory Primer* puts it, “is concentrated in no single academic discipline, has no defining research question, is oriented toward no fundamental problem, has no unifying theory or conceptual framework, and has no unique methods or analytical tools.” [3] And in the introduction to *The Oxford Handbook of Public Policy* it was put this way, the study of public policy is “a mood more than a science, a loosely organized body of precepts

and positions rather than a tightly integrated body of systematic knowledge, more art and craft than a genuine ‘science.’” [4] Thus, as a mother of all disciplines, can philosophy define its framework?

Philosophy in public policy is the philosophical evaluation and analysis of public decisions and governmental decisions on public lives and actions using philosophical tools of questionability, criticality, analysis and speculation. According to Sidney Hook, perhaps, the most important contribution a philosopher can make to the discussions of public affairs is to make explicit the ethical issues behind the conflicting public policies and to relate them to the kind of society we live and the kind of people we want to see in the society. [5] Thus, in order to make the best contribution in evaluating and analyzing a given policy, some ethical theories in philosophy may as well serve as theoretical framework. For example, utilitarianism is a

theory that may promotes the general good as much as it does in the greater happiness for the greatest number principle.

Jeremy Bentham in the 18th century [6] and John Stuart Mill in the 19th century [7] pioneered utilitarianism, and its influences in contemporary moral philosophy cannot be overemphasized. It emphasized pleasure or happiness [8] to the greatest number over pain. Every human being desires pleasure and does everything possible to avoid pains. [9] This desire reflects in every policy formulation. The irresistible desire for happiness and the quest for the avoidance of pains implies that utilitarianism is a principle of intuitionism. [10] And without ambiguity, it can serve as a framework for formulating and evaluating public policy. Hence, this work demonstrates how utilitarianism can best serve the 21<sup>st</sup> century public policymakers in policy formulation showing a seven-step process. This seven-step process is deduced from Bentham's felicific calculus showing its relevance given the contemporary chaotic existential realities shrouding public policy formulation and the public living condition.

### UTILITARIANISM AND PUBLIC POLICY

According to Asirvatham and Misra, Bentham's "primary concern ... was the good or welfare of the community." [11] The community in this case refers to the public. In other words, the primary aim of utilitarianism of Bentham was to bring about practical changes in the constitution of any nation to serve the greater number – the public. In corroboration with this assumption, Samuel Stumpf argued earlier that Bentham's philosophy is an affirmation of peoples believes that government is instituted for its utility. This factor Stumpf observed, gave rise to its popularity and general acceptance in the nineteenth century. He said, "Just as pleasure and pain give real values to acts, so

do they constitute the efficient causes of our behaviors." [12]

However, Fredrick Copleston holds that, Bentham utilitarianism moved from a philosophy of ethics to a philosophy of politics. For example, on the social scale where the community's interest is in question, when it has to do with cases that "...are as a matter of fact useful to the community by the regulation of which by law would not be in public interest," [13] the legislator ought to serve the interest of the community even if he feels otherwise by following the dictum of utilitarianism. This is because public policymakers are saddled with the responsibilities of serving public interest and by implication, saddled with the responsibility of being utilitarian.

### UTILITARIANISM AS A FRAMEWORK FOR PUBLIC POLICY EVALUATION

Jeremy Bentham provided a utilitarian framework [14] for the evaluation of policies. This framework which was promoted by J. S. Mill provides the foundation for public policy evaluation. Most assemblies merely formulate policies without evaluating their formulations. The core of public policy evaluations seems to be felicific calculus. Felicific calculus is the method of summing the total of pleasure and pain producible by an action. This summation is addition and subtraction in the Intensity, Duration, Certainty, Propinquity, Fecundity, Purity, and Extent of pleasure and pain producible in this case, by a given public policy. The following is a demonstration of how utilitarianism is a framework for public policy evaluation. It is the conflict of these 'processes' that most times engenders hot parliamentary debates and some times, fighting.

- a. Intensity. For every policy that is made, its consequences have certain level of

intensity. Thus, to make a public policy, deliberation on the intensity of the consequence of the given policy in question is important. In the deliberation, comparing the intensity of the outcome of the policy with the duration (how long) it will serve the society would give rise to a balance scale in a policy without disadvantaging either member of the society – policymaker and the public. This comparison can determine whether the given policy should be upheld, repealed or reformed. It is worthy of note that using only the intensity to evaluate an entire policy is parochial. But quite sure, a deliberation on the Intensity gives reasonable platform to explore the other parts of the process. One of those parts that may be explored is the Duration.

- b. Duration. When deliberating on the intensity of the advantage or disadvantage of a given policy is accomplished, what is the length of time this policy will be in existence is the next question that may popup in evaluating a policy. Such question put in perspective speculatively, the time the policy may need be reformed. In the developing countries, this is the missing ingredient in most of the formulations of lawmakers. Hence, public policies are in practice serving the elite meanwhile, it is supposed to be the other way round.
- c. Certainty. In considering the certainty of aim to be achieved by a policy, it is matter of probability that the set target would be achieved. However, painstakingly cogitating to draw inspirations from some past experiences over policies formulated, and those experiences with the ones similar to them before the assembly can help determine Certainty of the expected

advantage or disadvantage in the society. In other word, we have to compare the policy with other similar policies. This step however seems to be common among legislators. But it is doubtful if it is thus recognised. Nonetheless, because it is common, it should not be taken for granted.

- d. Propinquity. Propinquity of pleasure depends on how long one must wait for the pleasure to occur. Propinquity of public policy depends on how long one must wait for the desired target of the policy to be achieved. In line with how long one must wait, if Intensity, Duration, and Certainty of the advantage or disadvantage of the given policy have been determined, Propinquity becomes axiomatic in the policy evaluation process. Anything axiomatic is said to be self-evident. It could be a self-evident policy that the advantage is glaringly greater and far higher than the disadvantage or pain if it should become binding. Or, it could be self-evident that the disadvantage or pain outweighs the advantage or pleasure of the given policy. Thus, from this point of view, it is clear that ignoring either of the seven-step process results in malfeasance. Hence, the nearness or remoteness of any given policy can possibly be determined by our summation of Intensity, Duration, and Certainty. This could in turn helps in making the best possibly policy that should guide the society.
- e. Fecundity. To know how Fecundity should be a principle for public policy evaluation, it should be taken into cognizance that, given any policy whatsoever, if it becomes binding, the policy has the tendency of leading into probable advantages and disadvantages simultaneously. In other words, in this step apt keenness is required.

The probability that any given pleasure or pain will lead to other pleasure or pain of the same kind can indeed not be overemphasised. The Epicureans even noted that many extreme pleasures are not likely to be followed by other pleasures but may likely be followed by pains. Hence, to make a public policy, those contrary outcomes need be excruciatingly deliberate upon. In policy evaluation, the criticism of many policies comes from this angle. The probability that the pleasure or pain will lead to other pleasure or pain of the same kind can be drawn from records of past experience and the past experience of others like us. Otherwise, we make policies with the intensions of serving the common people not knowing that policy is not serving them but turning policymakers into taskmasters.

- f. Purity. The purity of the sensation of pleasure and pain of a policy is the summation of the measures from the complex individual' benefits resulting from the same policy. This can easily be done via scaling. It emphasizes what the probability could possibly be that a pain will lead to other pains or a pleasure will lead to other pleasures. For instance, visiting a harlot in view of the HIV/AIDS deadly disease and furthering education in view of professorship honour; making policies regulating and discouraging visiting harlots, and encouraging furthering education. In evaluating a policy the purity of the policy is very important. Hence, to deliberate on the purity of a given policy is simply to juxtapose policy with its fecundity for authentication.
- g. Extent. Every deliberative assembly have to suss the extent to which all the seven steps determine the outcome of a proposed

public policy in question on the total number of the people in the society. This will constitute the greatest number. A public policy that favours the greatest number will certainly be of the general will. In such policies, if the pleasure it offers to the people is to the advantage of the greater number, it can be said to be a good policy. If it does not, the assembly knows what is next to do.

Once this process is not followed meticulously, any evaluation of public policy is bound to err. By implication, these seven-step-processes appears to be what is intrinsically involved in public policy making and public policy evaluation. It demonstrates what the policymakers ought to be considering, though they may not understand this is what they should be doing.

If the *greater number* 'advantage' is ignored, policymakers are accused of making bad policies, if then taken into consideration, they are praised for making good policies. This could mean that the attribution of blameworthiness and praiseworthiness to policymakers concerning good policies and bad policies hang on this seven-step-process. Perhaps, this could be the reason for the unfavorable public policies of the developing countries with respect to education, culture, lifestyle, development, etc.

Furthermore, any policy that successfully scales through on the side of the advantage, at least, to the greatest number, it is likely to be considered as good because it will serve the general will. Any policy that could not, it is likely be considered as invalid and discarded. Otherwise, why is it that some policies have been condemned on the ground that its "pain" is greater on the greater number? Or, what would make a public policy be considered anti-

people? May we kindly enounce that this process is not cumbersome in practice. And neither of the seven-step process should be taken in isolation. It is the conflict of these 'processes' that most times engenders hot parliamentary debates and some times, fighting. Hence, we establish that in our evaluation, Bentham's felicific calculus is a public policy making and public policy reforming principle.

### CRITICISM OF UTILITARIANISM AS A FRAMEWORK FOR PUBLIC POLICY

John Rawls is a major critic of utilitarianism. For him, it is compatible with slavery because policies that promotes the good of the majority can enslave the minority. [15] The idea of slave morality of utilitarianism also suffer a blow from Kant's categorical imperative. [16] This is a situation where the minority could become means to the happiness of the majority. Furthermore, Rawls believe that the grand norm for public policy in any society is the constitution. [15] The majority notion, if promoted by the constitution, the grand norm also enslaves the minority, failing to take the original position. Thus, utilitarianism for Rawls has the possibility of the abuse of the human person. He argue that public policy must seek to eliminate the idea of the disadvantage persons. However, standing on Rawls's "original position," [15] how can we achieve elimination of total injustice and disadvantageness through public policies? Utilitarianism as a framework for public policy provides adequate answer through the idea of determining the "extent" of the policy in the evaluation process. Thus, Rawls could not succeed in divorcing utilitarianism from the process of formulating enchanting public policies.

Karl Marx criticized utilitarianism by saying that labor is essential to man. [9] [14] For him,

all societies that have existed are divided into classes. In such society of class struggle there is exploitation. [9] He went further to argue by implication that all public policies should be to the elimination of exploitation. According to Marxist's conception, the greater number principle is a principle of oppression and exploitation of the lower class by the upper class. Thus, such principles should never be encouraged. However, not encouraging utilitarianism is encouraging utilitarianism if greater number accepts not to encourage it.

Other scholars have decried the use of utilitarianism to justify major policy changes in the society, arguing instead that it fail the "do no harm" test of recognizing every individual's basic rights as Rawlseans argue. [17] However, according to Ben Eggleston who recently edited *The Cambridge Companion to Utilitarianism* "the theory based on the maximization of overall well-being is the well-suited way of thinking in political philosophy to make sound large-scale policy decisions." [17] He continued, "It doesn't make sense to insist on 'do no harm' when the status quo presents us with problems that need to be addressed." While insisting that "The status quo has real shortcomings, and it is worth looking into whether we can make improvements," he however submits that, "All major policy decisions involve tradeoffs, and utilitarianism provides a framework for making those tradeoffs and trying to do so in the way that promotes the common good the most." [17]

Gregory Mankiw on the other hand, a Harvard University economics professor, in a March *New York Times* column criticized using utilitarianism as a public policy framework and mentioned the ethical dilemma of a doctor weighing harvesting the organs of one healthy patient to save four dying patients. "At this



point, almost everyone balks,” Mankiw wrote. “Sometimes, respecting natural rights trumps maximizing utility.” [17] But Eggleston said, while that scenario is useful to discuss in introductory-level ethics courses when talking about utilitarianism, such scenarios are less applicable when trying to decide large-scale policy decisions. In his words, “You don’t have to endorse forcibly removing some people’s organs, such as in that hypothetical example, in order to think that when it comes to large-scale economic planning, we ought to choose the policy that maximizes benefits and minimizes harms.” [17]

However, when discussing issues like the healthcare Act or raising minimum wage, it’s to address existing harm or problems with the status quo, such as people not being able to secure health insurance due to pre-existing conditions or still living below the poverty line despite working a full-time job. “At that scale it’s much more plausible to think in terms of figuring out what’s the policy that will maximize the balance of benefits minus harms,” Eggleston said. “Acknowledging that any policy you choose is going to have some harm and some benefit, you’ve just got to try to pick the best one.” [17] He said, utilitarian ideas have been appealed to in the advocacy of both liberal policies and conservative principles, such as the free-market idea that a rising tide lifts all boats.

## CONCLUSION

Utilitarianism provides a framework for public policy formulation and evaluation. Utilitarianism is very intuitive in several ways. When we think about the plausibility of utilitarianism in public policy situations, we would not get distracted by unrealistic and hypothetical speculations. Such speculations should not let us reject the whole idea of trading off between costs and benefits, which is

essential if we are to think intelligently and intelligibly about public policy decisions. Therefore, irrespective of criticisms, utilitarianism in public policy is the principle that is dictating public policies all over the world directly or indirectly and probably the best framework that serves the interest of the people. It is restraining the framework of utility principle in evaluating public policies that is the brainchild behind hot parliamentary debates and fighting.

## REFERENCES

- [1] Dye, T. R. (1987). *Understanding Public Policy*. Upper Saddle River, NJ: Prentice Hall.
- [2] Eyestone, R. (1971). *The Threads of Public Policy: A Study in Policy Leadership*. Indianapolis: Bobbs-Merrill.
- [3] Smith, K. B. and Larimer, C. W. (2009). *The Public Policy Theory Primer*. Colorado: Westview Press.
- [4] Goodin, R., Martin R., and Michael M. (2006). “The Public and Its Policies.” In *The Oxford Handbook of Public Policy*, ed. Michael Moran, Martin Rein and Robert E. Goodin, 3–35.
- [5] Sidorsky, David, “Sidney Hook”, The Stanford Encyclopedia of Philosophy (winter 2015 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2015/entries/sidney-hook/>>.
- [6] Bentham, J. (1789). *The Principles of Morals and Legislation*. London: QC Press.
- [7] Mill, J. S. (1985). *On Liberty*. Ed. Himmelfarb. Penguin.
- [8] According to Aristotle’s concept of happiness, pleasure is different from happiness. However, as used by Bentham and Mill happiness and pleasure are the same thing. Thus, happiness

and pleasure may be used interchangeably in this work both meaning the same thing.

- [9] Blackburn, S. (2005). *The Oxford Dictionary of Philosophy*. Oxford: Oxford UP.
- [10] Miller, R. B. *The Journal of Philosophy*. Colombia: Journal of Philosophy Inc. vol. CVI, No.1 (Jan. 2009): 5-28.
- [11] Asirvatham, E. and Misra, K. K. (2006). *Political Theory* 13<sup>th</sup> ed. New Delhi, India: S. Clad & Co. Ltd
- [12] Stumpf, S. E. (1966). *Socrates to Sartre: A History of Philosophy* 2<sup>nd</sup> ed. NY: McGraw Hill.
- [13] Copleston, F. (1963) *A History of Philosophy: Bentham to Russell Vol. III*. NY: Image Books.
- [14] Scarre, G. (1998). "Utilitarianism." *Encyclopedia of Applied Ethics* vol.4. London: Academic Press Ltd.
- [15] Rawls, J. (1999). *A Theory of Justice* Rev. ed. Harvard: Harvard UP.
- [16] Kant, I. (1959). *Groundwork of the Metaphysics of Morals*, trans. Lewis White Beck. Indianapolis: Bobbs-Merrill, Library of Liberal Arts.
- [17] Diepenbrock, G. (2014). "Professor Studies How Utilitarianism Provides Framework for Major Policy Decisions." Kansas University News Service, <https://news.ku.edu/2014/06/02/professor-studies-how-utilitarianism-provides-framework-major-policy-decisions>